

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: April 8, 2003

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Dini Healy-Coffin, Chris Romeo, Robert Jefferies,
Allan Loiselle

OTHERS

PRESENT: Steve Ledoux-Town Manager, Representative Geoff
Hall, Senator Steve Panagiotakos, Audience Members

Open Forum

Don Domeij, 253 Littleton Road, asked for assistance from the Board and the State to repair the numerous potholes on Littleton Road from Boston Road heading west. Representative Hall stated that this was the first official complaint he received and would forward the concerns to Mass Highway. Hall reported that funds had been set aside six years ago for repairs along Route 110 but the residents and business owners could not come to a consensus. Healy-Coffin stated that the Board will work with Representative Hall and Mass Highway to repair Littleton Road.

Romeo reported that the Affordable Housing Committee will be meeting on Wednesday, April 9, 2003, 7:30 a.m., Tadmuck Senior Center. Romeo stated that the Committee will be working on Chapter 40B projects and mill revitalizations and continues to seek volunteers.

Ken Tebbetts and Jim Arciero – 275th Anniversary of the Town of Westford

Arciero, Chairman and Tebbetts, Vice Chairman of the Westford 275th Anniversary Celebration, were present. Arciero provided an overview of the year-long celebration event to conclude on September 23, 2004. Arciero provided the Board with a list of eleven committee members and the committee's charge. Tebbetts stated that the committee is looking for four members from the community. The committee will meet on the third Thursday each month at the Westford Museum. Tebbetts asked the Board to establish the committee and appoint the members. It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to establish the committee. It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to appoint Jim Arciero, Ken Tebbetts, Nancy Cook, Susan Ernst, Lisa Garvey, Diane Healy, Sarah Ledder, Joyce Minosh, Donna Powell, Deborah Rorke, and Nancy Schiavone to the committee.

Discussion re: Installation of Utility Poles by Mass Electric on Main Street

Carmen Luongo, Accounts Manager and Chris Radzick, Engineer for Massachusetts Electric, were present to answer concerns from residents regarding installation of poles on Main Street. Liz Adams, 63 Main Street, stated that new poles are being put in on Main Street with no notification to the neighbors. Adams asked when the old poles would be removed. Adams was also concerned that the utility workers say they have a right to go into properties ten feet. Adams asked that Mass Electric respect the historic district. Radzick stated that the new poles are being installed in conjunction with the new substation on Concord Road. Luongo offered to meet with the neighbors to explain the plans, the schedule process, the removal of double poles and the clean up efforts. Radzick explained that the new substation on Concord Road is being built to handle load growth and that the new poles are replacing the existing poles that are outdated. The double poles will be removed after all other utilities (telephone, cable, etc.) have removed their wires. Radzick stated that the removal of the double poles typically takes place two months after completion of a project. Adams stated that there is a double pole at her property line that has been there for approximately one year. Radzick stated that he would look into the double pole issue at Adams' property line. Luongo stated that Mass Electric has a new database which shows all double poles in the Town. Luongo stated that they will work with the telephone company to expedite the transfer of the wires to the new pole. Jefferies stated that he has received complaints regarding the placement of back stays on private property. Radzick stated that he gets information from town hall regarding the width of a road and measures from the center line and that they try to stay as close to a sidewalk as possible. Jefferies asked the Mass Electric representatives to tell Verizon that he will take as long on their petitions as they take on removal of poles. Paul Murray, Veterans' Officer, was concerned that the flag brackets on the poles around the town common have been discarded without notification.

Murray asked the Board and Ledoux to write to Mass Electric for a written order of conditions that if the brackets are removed they must be replaced, including the flag, or that the Veteran's Officer be notified before removal of the brackets to facilitate replacement. Luongo to speak to Murray after the meeting regarding the brackets. Patty Cooke, 6 Wheeler Lane, asked if there was anyone on the town hall staff responsible for

the coordination of utility petitions. Cooke stated that other towns had coordinators. Cooke to provide information to the Board. Regina Conway, 66 Main Street, was concerned that Mass Electric is putting guide wires on her property. Conway stated that neither the Highway Department nor town hall staff could tell her where the easements are in front of her property. Jefferies stated that it is the responsibility of Mass Electric to demonstrate where the line is and to make sure they are in the easement. Murray stated that the GIS system at town hall has the boundary lines for Westford and if Mass Electric works with GIS they should be able to have a definitive plan. Radzick stated that he will use the GIS system and will also contact the Engineering Department. Healy-Coffin stated that if the parties cannot come to a resolution Mass Electric can be invited back before the Selectmen for further discussion. It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to compel Mass Electric to return all flag brackets and flags to the poles that they took them off of in Town.

Senator Panagiotakos and Representative Hall Provide Legislative Update

Senator Panagiotakos and Rep. Hall updated the Board on the Governor's budget, the \$3B problem, possible problems in fiscal year 2005, increased fees, one-time sale of assets, cuts, consolidations, reforms and revenues. The House and Senate will be reviewing increased cuts and/or increased revenues. Panagiotakos stated that there is no reserve money available. Healy-Coffin felt that it was disingenuous of the Governor to say that he is not raising taxes when he is raising fees. Panagiotakos and Hall also addressed SBAB money, cuts for senior citizens, casino revenues, municipal reform packages, and the House and Senate budgets. Jefferies asked to see the numbers regarding the Executive Office cuts. Jefferies asked if the Town could be released from the State's mandates. Hall asked that a list of mandates be provided to him. The Board pointed out the need for firm numbers from the State. Jefferies also asked Panagiotakos and Hall to help Westford get the traffic signal at Route 495 completed. Liz Adams, Chairman of the Finance Committee, stated that it is a problem trying to figure out what is going on with the cuts. Adams stated that the Town needs to know as soon as possible how bad the cuts are going to be. Adams agreed that mandates from the State are a problem. Sharon Boonstra, Chairman of the School Committee, stated that 20% in cuts would result in a level funded school budget with the school department expecting a 15% increase in the budget for growth and new schools. Boonstra stated that cuts trickle down to the taxpayers. Karen Young, School Committee, stated that fees are not tax deductible and hit the poorer segments of the community. Young asked the Legislature to take into consideration taxes versus fees.

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Annual Town Meeting Warrant Articles

Selectmen to Sign Annual Town Meeting Warrant – It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to sign the Annual Town Meeting Warrant.

Selectmen to Take Positions on Annual Town Meeting Warrant – Ledoux read the list of warrant articles.

ARTICLE 1: Town Reports

It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to recommend approval of Article 1.

ARTICLE 2: Property Tax Exemption

It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to recommend approval of Article 2.

ARTICLE 3: Compensation Plan Amendment

It was moved by Loiselle, seconded by Jefferies, and VOTED UNANIMOUSLY, to recommend approval of Article 3.

ARTICLE 4: Fiscal Year 2004 Operating Budget

The Board deferred making a recommendation on Article 4 until April 29, 2003. Liz Adams, Chairman of the Finance Committee, reported that the Finance Committee voted to support the Town Manager's budget at level funding. The Finance Committee may reconsider the vote if the state comes in with better numbers. Adams stated that the Finance Committee will be considering the capital budget on Wednesday, April 9, 2003.

ARTICLE 5: Appropriation for Freshman Sports at Westford Academy

Healy-Coffin reported that she spoke to the petitioner who indicated that the School Committee will be funding this item out of the Reserve Revolving Account. Healy-Coffin stated that the petitioner will withdraw this article on Town Meeting floor. Romeo recommended not taking any position. The Board concurred. Loiselle was concerned that the School Committee found money for this program when they were willing to let the athletic program be cut.

ARTICLE 6: Fiscal Year 2003 Supplemental Appropriations

The Board placed Article 6 on hold.

ARTICLE 7: Fiscal Year 2003 Transfers

The Board placed Article 7 on hold.

ARTICLE 8: Revolving Funds

It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to recommend approval of Article 8.

ARTICLE 9: Highway Department Chapter 90 Funds

It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to recommend approval of Article 9.

ARTICLE 10: Highway Department Chapter 90 Funds

It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to recommend approval of Article 10.

ARTICLE 11: Brookside Mill

It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to recommend approval of Article 11.

ARTICLE 12: Rescind Article May 2002

It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to recommend approval of Article 12.

ARTICLE 13: Brookside Mill Dam Repairs

It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to recommend approval of Article 13. Loiselle asked how the dam repair tied in with the bridge repair. Richard Barrett, Highway Superintendent, stated that the bridge repair work will be funded through the road maintenance fund. The developer will do sidewalks and other road improvements. Barrett stated that he will wait until the developer gets underway to coordinate the work. Barrett also stated that after the dam repairs are done by the Town, the developer takes over the maintenance.

ARTICLE 14: Capital Requests/Various Departments

Ledoux recommended delaying Article 14 until fall Town Meeting, waiting until the State numbers come in or moving forward with portions of Article 14. Ledoux also recommended keeping Article 14 on the warrant and amending it on Town Meeting floor. No position taken by the Board. Charlie Rusman, Timberlee Lane, asked that each item be given a detailed explanation at Town Meeting. The Board concurred.

ARTICLE 15: School Buildings and Facility Repairs

It was moved by Jefferies, seconded by Loiselle, and VOTED 3 IN FAVOR WITH 1 ABSTAINING (Healy-Coffin), to recommend approval of Article 15.

ARTICLE 16: Acceptance of MGL Chapter 140/Section 139

It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to support Article 16.

**ARTICLE 17: Amendment to Chapter 1 Section 1.4 of General Bylaws/
Conservation Commission**

Ledoux recommended not taking a position on Article 17 until the Conservation Commission completes its discussions.

ARTICLE 18: Scenic Bylaw

The Planning Board to hold a public hearing on Article 18. The Board to take a position on Article 18 and the remaining zoning articles after receiving the Planning Board's recommendations.

All Boards Meeting – Scheduled for Tuesday, April 15, 2003.

**Selectmen to Discuss Request from Kimball Farm for Placement of
Crosswalk Signs on Route 110**

Attorney Paul Alphen, representing Kimball Farm, asked the Town to join in the request to Mass Highway for crosswalk signs on Route 110. Alphen reported that Kimball Farm has purchased Mass Highway signs. Healy-Coffin was concerned with liability. Romeo was concerned that the sign will be placed in the middle of Littleton Road. Romeo stated that he would prefer a restriction that the sign be placed on the side of the road rather than in the middle of the road. Andrea Peraner-Sweet, Planning Board, asked the Board and Alphen to look at the Route 110 Master Plan relative to signs. Alphen indicated that

the crosswalk signs are seasonal. Paul Murray, Wilshire Avenue, stated that Kimball Farm had a paid detail officer in the past. Murray asked why the detail officer is no longer there. It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, that the Board write a letter akin to Alphen's letter contingent upon the sign being at the side of the road not the middle of the road.

Old Business/New Business

Presentation by Affordable Housing Committee on LIP Protocol –

Andrea Peraner-Sweet presented a proposal for review of projects prepared by the Affordable Housing Committee for the Board's review. The process is to assist the Board in deciding whether or not to enter into an agreement with the applicant on a LIP development. Peraner-Sweet summarized the proposal. The Board to provide comments to the Affordable Housing Committee as soon as possible. Continued to April 15, 2003.

Discussion of Town Garage Bid – Ledoux reported that the Town opened bids for the Town Garage. The low bidder, Standen Contracting Company, Inc. (Standen), is claiming a clerical error and has asked to withdraw the bid. Town Counsel has asked Standen to verify the clerical error. Paul Alphen, Richard Barrett and James Rand, Highway Garage Committee, were present. Alphen summarized the five options available to the Town based upon Town Counsel's advice. Alphen recommended that the Board proceed with presenting the low bidder with the contract and if they do not sign the contract, the Town enter into a contract with the second low bidder and have Town Counsel pursue the low bidder not entering into the contract. Rand stated that the deadline to deliver the contract to Standen is Wednesday, April 9, 2003. Standen has until noontime on Friday, April 11, 2003 to sign the contract and fax it to Town Counsel. It was moved by Loiselle, seconded by Jefferies for discussion, to accept Standen's contract and if they default the Town would award the bid to

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the second low bidder, Jackson Construction Company, Canton, Massachusetts, then pursue Standen's bid bond. Romeo asked if re-bidding was an option. Barrett stated that it would cost approximately \$20,000 - \$30,000 to reissue a complete bid packet. Barrett also stated that the road needs to be built in phases beginning in the early spring pursuant to the conditions of the Conservation Commission. Barrett was concerned that the road will not be constructed all the way if the Town re-bids. Romeo was concerned that Standen would be a recalcitrant builder. Barrett indicated that there are plans to bid on a Clerk of the Works or Construction Supervisor Company for the duration of the construction. Alphen also noted that a construction bond will be held during construction. Healy-Coffin called for a vote on Loiselle's motion: Unanimous.

Licenses and Permits

Request from Parish Center for the Arts for Use of Town Common for "Contra Dance" on July 12th 4:00 – 7:00 PM – Mike Harde, 39 Main Street, updated the Board on the Contra Dance scheduled for July 12th. It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve.

One Day License for a 50th Wedding Anniversary – St. Catherine’s Church, April 12, 2003 – It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to approve.

Appointment of Election Officer – It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to appoint Barbara Greenslade, 45 Forge Village Road, as Election Officer.

Franklin Property
No report at this time.

Brookside Mill Report

Ledoux reported that the HOME application will be hand delivered to the State on Wednesday, April 9, 2003.

Minutes

It was moved by Romeo, seconded by Jefferies, and VOTED 3 IN FAVOR WITH 1 ABSTAINING (Loiselle), to approve the minutes of February 13, 2003, Joint Meeting with the Finance Committee.

It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of March 4, 2003, Finance Forum.

It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of March 11, 2003, regular session.

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It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve the minutes of March 11, 2003, executive session and release to the public.

Old Business/New Business, continued

Acceptance of Gift from Mass Electric to Conservation Commission –

Ledoux reported that at the last meeting the Board questioned whether the acceptance of the gift needed Town Meeting approval. Ledoux stated that acceptance by the Board was needed but not Town Meeting approval. It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to accept the gift.

ABCC Form – Change of D/B/A Shree Ganesh – The Board voted on March 25, 2003 to approve the “doing business as” from Westford Convenience Store to Westford Market & Liquors, 6 Carlisle Road, Unit 8, Westford, Massachusetts. The Board signed the ABCC form.

Correspondence

Healy-Coffin read the list of correspondence.

Open Items

- 4/8-1 Ledoux to send letter to Mass Electric asking that flag brackets and flag be replaced on the utility poles.
- 4/8-2 Board to send letter to Mass Highway re: Kimball Farm crosswalk signs.
- 4/8-3 LIP Protocol discussion continued to April 15th.

Adjournment

It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to adjourn the meeting at 10:35 p.m.

Steve Ledoux, Town Manager

Dini Healy-Coffin, Chairman

Submitted by Beth Kinney, Recording Secretary